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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,433	12/18/2003	Shailen V. Banker	4392-000001/DVB	9282
7590	04/03/2006		EXAMINER	
David M. Mello McDermott Will & Emery LLP 28 State Street Boston, MA 02109				COUGHLAN, PETER D
			ART UNIT	PAPER NUMBER
			2129	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/739,433	BANKER, SHAILEN V.	
	Examiner	Art Unit	
	Peter Coughlan	2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 42-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 42-82 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Detailed Action

1. Claims 42-82 are pending in this application.

35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 42-82 are rejected under 35 U.S.C. 101 for nonstatutory subject matter. The computer system must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical application. There is no stated purpose or use for a linked informational system.

In determining whether the claim is for a “practical application,” the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is “useful, tangible and concrete.” If the claim is directed to a practical application of the § 101 judicial exception producing a result tied to the physical world that does not preempt

the judicial exception, then the claim meets the statutory requirement of 35 U.S.C. § 101.

The phrases 'index generation system' or 'linking and tagging media content', are not clear in thier purpose or scope. There has to be a purpose for generating such an index with an associated use in the real world.

The invention must be for a practical application and either:

- 1) specify transforming (physical thing) or
- 2) have the FINAL RESULT (not the steps) achieve or produce a useful (specific, substantial, AND credible), concrete (substantially repeatable/ non-unpredictable), AND tangible (real world/ non-abstract) result.

A claim that is so broad that it reads on both statutory and non-statutory subject matter, must be amended, and if the specification discloses a practical application but the claim is broader than the disclosure such that

it does not require the practical application, then the claim must be amended.

Claims that recite an 'index generation system' or 'linking and tagging media content' are not statutory.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 43, 44, 55, 60, 77, 82 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims use terms that are so broad that they could have multiple meanings and/or there exists no standard scale, meter, measuring parameters for them. Examples of these terms are In Claim 43, information components, for other countries, political and economic topics, inflation, deflation, deficits, exchange rates, reforms, oil prices, supplies, behavioral aspects, wars, reconstruction, alliances, terrorism. In Claim 44, corporate governance, behaviors, confidence in financial markets, employment, fairness and equity in management compensation, health insurance for employees, incomes, unemployment, uncertainty about domestic political and economic factors, interest rates, deficits, unemployment, the economy in general, uncertainty about international political and economic factors, wars, reconstruction, alliances, free trade, terrorism. In Claim 55, behavioral aspects, external view of countries and regions. In Claim 60, uncertainty, a confidence, a corporate governance, a measure of fairness, equity. In Claim 77, field of the business, economy, markets. In Claim 82, confidence in business, corporate governance and behaviors, confidence in financial markets, economy relating to employment, fairness and equity in management compensation, health insurance for employees, incomes, unemployment, uncertainty about domestic political, economic factors about interest rates, deficits, the economy in general, uncertainty about

international political and economic factors, wars, reconstruction, alliances, free trade, terrorism.

Corrections must be made to further define or better explain the domain of the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 42, 25, 26, 27, 28, 29, 50, 51, 58, 59, 61, 62, 64, 65, 67, 68, 70, 71, 72, 73, 74, 75, 76, 78 are rejected under 35 U.S.C. 102(b) (hereinafter referred to as **Kavanagh**) being anticipated by Kavanagh al., U.S. 5,838,965.

Claim 42.

Kavanagh anticipates a media content module configured to obtain a selected set of media; content related to a topic from the at least one theme or topic (**Kavanagh**, abstract; ‘Theme or topic’ of applicant is equivalent to ‘attribute list’ of Kavanagh.); a scoring module configured to assign scores to media content items within the selected set of media content (**Kavanagh**, C25:27-37; ‘Assigned scores’ of applicant is equivalent to ‘values’ of Kavanagh.); and an index generation module configured to

generate an index for the topic as a function of the set of scores. (**Kavanagh**, C48:10-15; 'Index' of applicant is equivalent to 'sort' of Kavanagh.)

Claim 45.

Kanavagh anticipates excerpts providing specific information from at least one of a clip, a report of an event, or a specifically worded statement about an event or article in combination with an invitation for a response from at least one of a user and expert. (**Kavanagh**, C5:11-18; 'Specific information' of applicant is equivalent to 'parts' of Kavanagh.)

Claim 46.

Kavanagh anticipates a resilience test module configured to test the susceptibility to change of the assigned scores, the index, or both in response to receipt of new or updated media content items related to the topic. (**Kavanagh**, C63:32-40, C66:58-60 and C67:6-46; Updated score compared to existing scores is the domain of a function that reevaluates classification. 'Topics' of applicant is equivalent to a 'class' which a 'part' belongs to.)

Claim 47.

Kavanagh anticipates an output module configured to present via a user interface the assigned scores in combination with media content items to which they relate.

(**Kavanagh**, abstract; ‘Media contents’ and ‘relate’ of applicant is equivalent to “attributes” and ‘hierarchical tree’ of Kavanagh.)

Claim 48.

Kavanagh anticipates a feedback module configured to enable users, experts, or both to assign scores to the media content items, wherein an expert meets a predetermined set of criteria demonstrating an expertise on the topic. (**Kavanagh**, C12:35-65; The administrator sets the requirements that determines if a user is granted expert rights. This function of the ‘feedback module’ of applicant is equivalent to ‘registry server’ of Kavanagh.)

Claim 49.

Kavanagh anticipates an initial sub-index generated from scores assigned to the media content items (**Kavanagh**, C63:1-11; ‘initial sub-index of scores’ of applicant is accomplished by using ‘legacy data’ of Kavanagh.); a user sub-index generated from user assigned scores related to the media content items (**Kavanagh**, C12:35-65; The administrator sets the requirements that determines if a user is granted expert rights. This function of the ‘feedback module’ of applicant is equivalent to ‘registry server’ of Kavanagh.); and an expert sub-index generated from expert assigned scores related to the media content items, wherein an expert meets a predetermined set of criteria demonstrating an expertise on the topic. (**Kavanagh**, C12:35-65; The administrator sets

the requirements that determines if a expert is granted expert rights. This function of the 'feedback module' of applicant is equivalent to 'registry server' of Kavanagh.)

Claim 50.

Kavanagh anticipates a media content module configured to obtain a selected set of media content related to a topic from the at least one theme or topic (**Kavanagh, abstract**; 'Theme or topic' of applicant is equivalent to 'attribute list' of Kavanagh.); a scoring module configured to assign scores to media content items within the selected set of media content(**Kavanagh, C25:27-37**; 'Assigned scores' of applicant is equivalent to 'values' of Kavanagh.); an index generation module configured to generate an index for the topic as a function of the set of scores (**Kavanagh, C48:10-15**; 'Index' of applicant is equivalent to 'sort' of Kavanagh.); a graphic user interface module configured to present information via an output device, the graphic user interface module (**Kavanagh, abstract**) comprising: an output module configured to present via a user interface the assigned scores in combination with media content items to which they relate (**Kavanagh, abstract and C25:27-37**; 'Scores' of applicant is equivalent to values of Kavanagh. How items are related of applicant is equivalent to 'hierarchical tree structured is displayed' of Kavanagh.); an index feedback module configured to enable users, experts, or both to assign scores to the media content items, wherein an expert meets a predetermined set of criteria demonstrating an expertise on the topic (**Kavanagh, C12:35-65**; The administrator sets the requirements that determines if a user is granted expert rights. This function of the 'feedback module' of applicant is equivalent to 'registry

server' of Kavanagh.); and a content feedback module configured to enable the users, experts, or both to provide inputs and comments related to the media content items. (**Kavanagh**, C32:14-26; 'Inputs' of applicant is equivalent 'attribute value' of Kavanagh.)

Claim 51.

Kavanagh anticipates an initial index generator configured to generate an initial sub-index from scores assigned to the media content items (**Kavanagh**, C63:1-11; 'initial sub-index of scores' of applicant is accomplished by using 'legacy data' of Kavanagh.); a user index generator configured to generate a user sub-index from user assigned scores related to the media content items (**Kavanagh**, C12:35-65; The administrator sets the requirements that determines if a user is granted expert rights. This function of the 'feedback module' of applicant is equivalent to 'registry server' of Kavanagh.); an expert index generator configured to generate an expert sub-index from expert assigned scores related to the media content items (**Kavanagh**, C12:35-65; The administrator sets the requirements that determines if a expert is granted expert rights. This function of the 'feedback module' of applicant is equivalent to 'registry server' of Kavanagh.); and an overall index generator configured to generate an overall index as a function of the initial sub-index, user sub-index and expert sub-index. (**Kavanagh**, C63:32-40, C66:58-60 and C67:6-46)

Claim 58.

Kavanagh anticipates a media content module configured to obtain a selected set of media content related to a topic from the at least one theme or topic (**Kavanagh**, abstract; 'Theme or topic' of applicant is equivalent to 'attribute list' of Kavanagh.); a scoring module configured to assign scores to media content items within the selected set of media content (**Kavanagh**, C25:27-37; 'Assigned scores' of applicant is equivalent to 'values' of Kavanagh.); and a set of index generation modules configured to generate an index for the topic as a function of scores (**Kavanagh**, C48:10-15; 'Index' of applicant is equivalent to 'sort' of Kavanagh.), the index generation modules comprising:

(a) an initial index generator configured to generate an initial sub-index from scores assigned to the Media content items (**Kavanagh**, C63:1-11; 'initial sub-index of scores' of applicant is accomplished by using 'legacy data' of Kavanagh.) ; (b) an respondent index generator configured to generate a respondent sub-index from feedback by respondents, including scores assigned by users, experts, or both related to the media content items (**Kavanagh**, C12:35-65; Assigning scores by experts or users is determined by the administrator and rights granted to said user and to the knowledge base.); and (c)an overall index generator configured to generate the index as a function of the initial sub-index and the respondent sub-index. (**Kavanagh**, C63:32-40, C66:58-60 and C67:6-46)

Claim 59.

Kavanagh antyicipates a resilience test module configured to test the susceptibility to change of the assigned scores, the index, or both in response to receipt

of new or updated media content items related to the topic. (**Kavanagh**, C63:32-40, C66:58-60 and C67:6-46)

Claim 61

Kavanagh anticipates the initial index generator is configured to assign scores to at least one of the selected articles, reports, or information from the media content items, and is also configured to calculate the initial index as a function of the set of scores. (**Kavanagh**, C63:1-11; ‘initial index of scores’ of applicant is accomplished by using ‘legacy data’ of **Kavanagh**.)

Claim 62.

Kavanagh anticipates the respondent index generator is configured to assign a set of scores from thee respondent feedback to the initial index and the media content items, and is also configured to calculate the respondent sub-index as a function of the set of scores. (**Kavanagh**, C48:10-15, C63:32-40, C66:58-60 and C67:6-46)

Claim 64.

The set of media content comprises detailed information including reports, articles and other information that is accessible to respondents to facilitate an educated response for generation of the at least one respondent index. (**Kavanagh**, abstract; ‘Accessible’ of allpicant is equivalent to ‘interface’ of **Kavanagh**.)

Claim 65.

The index generation modules are configured to assign and weight scores for generation of the initial sub-index (**Kavanagh**, C63:1-11; 'initial sub-index of scores' of applicant is accomplished by using 'legacy data' of Kavanagh.), the respondent sub-index (**Kavanagh**, C12:35-65; 'Respondent sub-index' scores by experts or users is determined by the administrator and rights granted to said user and to the knowledge base.);, and the overall sub-index. (**Kavanagh**, C63:32-40, C66:58-60 and C67:6-46)

Claim 67.

Kavanagh anticipates linked information system providing respondents access to interrelated information, wherein the linked information system has a graphic user interface illustrating multilevel linkages interrelating the information. (**Kavanagh**, abstract; 'Graphic interface' and multilevel linkages' of applicant is equivalent to 'interface' and 'hierarchical tree structure' of Kavanagh.)

Claim 68.

Kavanagh anticipates a graphical user interface for generating a framework of interconnecting informational accessible to respondents, including both users and experts; and an interaction environment adapted to permit both users and experts to employ the framework to share information. (**Kavanagh**, abstract and C12:28-65; 'interconnecting informational' of applicant is equivalent to "network enviroment" of Kavanagh.)

Claim 70.

Kavanagh anticipates a program code configured for obtaining a selected set of media content items related to a topic from the at least one theme or topic (**Kavanagh, abstract; 'Theme or topic' of applicant is equivalent to 'attribute list' of Kavanagh.**); a program code configured for assigning scores to media content items within the selected set of media content (**Kavanagh, C25:27-37; 'Assigned scores' of applicant is equivalent to 'values' of Kavanagh.**); a program code configured for generating an index for the topic as a function of the set of scores. (**Kavanagh, C48:10-15; 'Index' of applicant is equivalent to 'sort' of Kavanagh.**)

Claim 71.

Kavanagh anticipates a program code for presenting via a user interface the assigned scores in combination with a media content items to which they relate (**Kavanagh, abstract and C25:27-37; 'Scores' of applicant is equivalent to values of Kavanagh. How items are related of applicant is equivalent to 'hierarchical tree structured is displayed' of Kavanagh.**)

Claim 72.

Kavanagh anticipates a program code configured to generate an initial sub-index from the scores assigned to the media content items. (**Kavanagh, C63:1-11; 'initial sub-index of scores' of applicant is accomplished by using 'legacy data' of Kavanagh.**); a

program code configured to generate a respondent sub-index from feedback by respondents, including scores assigned by users, experts or both related to the media content items (**Kavanagh**, C12:35-65; The administrator sets the requirements that determines if a user is granted expert rights.); a program code configured to generate the index as a function of the initial sub-index and the respondent sub-index. (**Kavanagh**, C63:1-11; ‘initial sub-index of scores’ of applicant is accomplished by using ‘legacy data’ of **Kavanagh**.)

Claim 73.

Kavanagh anticipates a program code configured for organizing the feedback in association with a respondent classification chosen from a set of respondents classifications and a display program code configured to present an overall interpretation to the set of respondent classifications. (**Kavanagh**, C63:32-40, C66:58-60 and C67:6-46)

Claim 74.

From the media content sources, obtaining a set of media content relating to a field (**Kavanagh**, abstract; ‘Field’ of applicant is equivalent to ‘attribute list’ of **Kavanagh**.) generating a set of links between media content items from the set of media content including establishing a set of first level links between the media content items as a function of a relevance to at least one tracked theme or topic within the field; and creating a set of second level links as a function of a set of internal dynamics of the

media content items, such internal dynamics representing threads of meanings existing within the media content items over time; and tagging links from the first set of level links and a second set of level links wherein a tag associated with a link enables recall of media content associated with the link using the tag. (**Kavanagh**, C32:36-45 and C36:26-40; Object Oriented design is based upon inherently connecting or linking software together which enable the system great flexibility when needed.)

Claim 75.

Kavanagh anticipates selecting at least one tracked theme or topic relating to a field (**Kavanagh**, abstract; 'Topic' of applicant is equivalent to 'attribute list' of Kavanagh.) obtaining a set of media content relevant to the at least one tracked theme or topic (**Kavanagh**, abstract; 'Media content' of applicant is equivalent to 'object class' of Kavanagh.) generating an organizational presentation from the set of media content, wherein the organizational presentation includes a categorization of information from the set of media content and an assignment of scores to information from an index scoring set of rules. (**Kavanagh**, abstract and C25:27-37; 'Scores' of applicant is equivalent to values of Kavanagh. 'Categorization of information' of applicant is equivalent to 'hierarchical tree structured is displayed' of Kavanagh.) obtaining feedback from a set of respondents from the organizational presentation and indicative of a sentiment relating to the least one tracked theme and updating the assign scores according to the sentiment (**Kavanagh**, C12:35-65; The administrator sets the requirements that determines if a user is granted rights to update the knowledge base);

and generating at least one index from the set of media content, the assigned scores, and the feedback (**Kavanagh**, abstract; 'Index' of applicant is equivalent to 'attribute list' of Kavanagh. C25:27-37; 'Assigned scores' of applicant is equivalent to 'values' of Kavanagh. C12:35-65; The administrator sets the requirements that determines if a user is granted expert rights. This function of the 'feedback module' of applicant is equivalent to 'registry server' of Kavanagh.)

Claim 76.

Kavanagh anticipates developing commentary relating to the information, wherein the commentary has a categorization in support of the index point system (**Kavanagh**, abstract; 'Index point system' of applicant is equivalent to 'attribute list' of Kavanagh. Note, 'Index point system is not defined in the specification.); and presenting the commentary to the respondents in accordance with the categorization. (**Kavanagh**, abstract' 'Categorization' of applicant is equivalent to 'hierarchical tree structure' of Kavanagh.)

Claim 78.

Kavanagh anticipates presenting the index to the respondents via a user interface. (**Kavanagh**, abstract and C25:27-37)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43, 44, 60, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavanagh as set forth above in view of Daianu ('Can Further Economic Decline Be Stopped in South East Europe?', referred to as **Daianu**)

Claim 43.

Kavanagh fails to particularly call for a country specific index calculator adapted to integrate international information from the selected set of media content into the index, the international information including at least one of: information components for other countries; political and economic topics, including inflation, deflation, deficits, exchange rates, reforms, oil prices and supplies; and behavioral aspects relating to at least one of wars, reconstruction, alliances, and terrorism.

Daianu teaches a country specific index calculator adapted to integrate international information from the selected set of media content into the index, the international information including at least one of: information components for other countries (**Daianu**, abstract); political and economic topics, including inflation,

deflation, deficits, exchange rates, reforms, oil prices and supplies (**Daianu**, p11:15-30, p23:13-19, p19:10-20, p29:7-9 and p8:17-29 and 40-41); and behavioral aspects relating to at least one of wars, reconstruction, alliances, and terrorism. (**Daianu**, p1:1 through p2:4, p24:12 through p25:35, p9:21-30) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Kavanagh by using economic parameters for input as taught by Daianu to have a country specific index calculator adapted to integrate international information from the selected set of media content into the index, the international information including at least one of: information components for other countries; political and economic topics, including inflation, deflation, deficits, exchange rates, reforms, oil prices and supplies; and behavioral aspects relating to at least one of wars, reconstruction, alliances, and terrorism.

For the purpose of developing an economic model based on economic parameters of a country.

Claim 44.

Kavanagh fails to particularly call for a. confidence in business, including corporate governance and behaviors; b. confidence in financial markets, including economy relating to employment; c. fairness and equity in management compensation, health insurance for employees, incomes, and unemployment; d. uncertainty about domestic political and economic factors, about interest rates, about deficits,

unemployment, and the economy in general; and e. uncertainty about international political and economic factors, wars, reconstruction, alliances, free trade, and terrorism.

Daianu teaches a. confidence in business, including corporate governance and behaviors (**Daianu**, p28:12-24); b. confidence in financial markets, including economy relating to employment (**Dananu**, p6:4-8); c. fairness and equity in management compensation, health insurance for employees, incomes, and unemployment (**Dananu**, p8:37-39, p19:35-37, p1:1-17 and p6:4-8); d. uncertainty about domestic political and economic factors, about interest rates, about deficits, unemployment, and the economy in general (**Dananu**, p23:20-23 and p6:4-8); and e. uncertainty about international political and economic factors, wars, reconstruction, alliances, free trade, and terrorism. (**Dananu**, p1:1 through p2:4, p24:12 through p25:35 and p9:21-30) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Kavanagh by using economic parameters as taught by Daianu to a. confidence in business, including corporate governance and behaviors; b. confidence in financial markets, including economy relating to employment; c. fairness and equity in management compensation, health insurance for employees, incomes, and unemployment; d. uncertainty about domestic political and economic factors, about interest rates, about deficits, unemployment, and the economy in general; and e. uncertainty about international political and economic factors, wars, reconstruction, alliances, free trade, and terrorism.

For the purpose of determining the economic status of a country based on economic parameters of a country and neighboring countries.

Claim 60.

Kavanagh does not teach the index represents at least one of an uncertainty, a confidence, a corporate governance, a measure of fairness and equity.

Daianu teaches the index represents at least one of an uncertainty, a confidence, a corporate governance, a measure of fairness and equity. (**Daianu**, p6:35-39, p4:27 through p5:1, p12:30-42) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Kanavagh by having economic parameters as taught by Dananu to have the index represents at least one of an uncertainty, a confidence, a corporate governance, a measure of fairness and equity.

For the purpose of using economic parameters as input for a database.

Claim 82

Daianu teaches confidence in business, including corporate governance and behaviors; confidence in financial markets, including economy relating to employment; fairness and equity in management compensation, health insurance for employees, incomes, and unemployment; uncertainty about domestic political and economic factors about interest rates, about deficits, unemployment, and the economy in general and; uncertainty about international political and economic factors, wars, reconstruction, alliances, free trade, and terrorism.

Daianu teaches confidence in business, including corporate governance and behaviors (**Daianu**, p4:27 through p5:1); confidence in financial markets (**Daianu**, p4:9-26), including economy relating to employment (**Daianu**, p7:9-15); fairness and equity in management compensation (**Daianu**, p13:1-9), health insurance for employees (**Daianu**, p19:35-37), incomes (**Daianu**, p3:22 through p4:8), and unemployment (**Daianu**, p7:9-15); uncertainty about domestic political (**Daianu**, p25:36 through p26:8) and economic factors (**Daianu**, p27:14-17) about interest rates (**Daianu**, p28:12-24), about deficits (**Daianu**, p29:7-9), unemployment (**Daianu**, p7:9-15), and the economy in general (**Daianu**, p5:13-20) and; uncertainty about international political and economic factors (**Daianu**, p10:20 through p11:10), wars (**Daianu**, p1:1-17), reconstruction (**Daianu**, p14:28 through p15:1), alliances (**Daianu**, p9:21-30), free trade(**Daianu**, p23:27 through p24:11), and terrorism (**Daianu**, p1:1-17) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Kavanagh by using economic factors in a linked information system as taught by Kavanagh to generate an index configurated of confidence in business, including corporate governance and behaviors; confidence in financial markets, including economy relating to employment; fairness and equity in management compensation, health insurance for employees, incomes, and unemployment; uncertainty about domestic political and economic factors about interest rates, about deficits, unemployment, and the economy in general and; uncertainty about international political and economic factors, wars, reconstruction, alliances, free trade, and terrorism.

For the purpose of gathering a large range of economic factors that effect national and international economic situation.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Claims 52, 63, 66, 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavanagh as set forth above in view of Karau (U. S. Patent 6473503, referred to as **Karau**)

Claim 52.

Kavanagh fails to particularly call for a framework generator configured to generate for display a framework related to the topic and derived from the selected set of media content, the framework comprising: (a) a multi-dimensional framework representing a relationship between a risk spectrum and an opportunity spectrum; and (b) a set of icons representing subtopics of the topic, each icon displayed within the framework as a function of a risk and an opportunity associated with the subtopic, wherein each icon is linked to a related subset of media content and selection of the icon generates a presentation of a subsequent framework and subsequent set of subtopic icons, information related to the subset of media content, or both.

Karau teaches a framework generator configured to generate for display a framework related to the topic and derived from the selected set of media content, the

framework comprising: (a) a multi-dimensional framework representing a relationship between a risk spectrum and an opportunity spectrum (**Karau**, C5:13-30; 'Risk spectrum' and 'opportunity spectrum' of applicant is equivalent to 'risk' and 'potential call' of Karau.); and (b) a set of icons representing subtopics of the topic, each icon displayed within the framework as a function of a risk and an opportunity associated with the subtopic, wherein each icon is linked to a related subset of media content and selection of the icon generates a presentation of a subsequent framework and subsequent set of subtopic icons, information related to the subset of media content, or both. (**Karau**, C5:13-30) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Kavanagh by incorporating into a database potential risks and benefits of a situation as taught by Karau to a framework generator configured to generate for display a framework related to the topic and derived from the selected set of media content, the framework comprising: (a) a multi-dimensional framework representing a relationship between a risk spectrum and an opportunity spectrum; and (b) a set of icons representing subtopics of the topic, each icon displayed within the framework as a function of a risk and an opportunity associated with the subtopic, wherein each icon is linked to a related subset of media content and selection of the icon generates a presentation of a subsequent framework and subsequent set of subtopic icons, information related to the subset of media content, or both.

For the purpose of generating a potential risk and/or benefit factor of a given situation.

Claim 63.

Kavanagh does not teach a topic selection module configured to fine-tune the selection of the topics based on the feedback, wherein topics from the a least one tracked theme or topic may be rolled from one period to the next by editing or hibernating topics that are no longer significant.

Karau teaches a topic selection module configured to fine-tune the selection of the topics based on the feedback, wherein topics from the a least one tracked theme or topic may be rolled from one period to the next by editing or hibernating topics that are no longer significant. (**Karau**, C38:20-35) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Karau by using time as in a time frame to fine tune the selection as taught by Karau to have a topic selection module configured to fine-tune the selection of the topics based on the feedback, wherein topics from the a least one tracked theme or topic may be rolled from one period to the next by editing or hibernating topics that are no longer significant.

For the purpose of using time as a reference of being current to help determine a topic significance.

Claim 66.

Kanavagh does not teach wherein the initial sub-index comprises a first part relating to at least one economy and business markets, a second part relating to behavior aspects, and a third part relating to an external view of countries and regions.

Daianu teaches wherein the initial sub-index comprises a first part relating to at least one economy and business markets (**Daianu**, p4:9-26), a second part relating to behavior aspects (**Daianu**, p1:18 through p2:4), and a third part relating to an external view of countries and regions. (**Daianu**, abstract) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of kavanagh by having input parameters of business markets, behavior aspects and external view of countries as taught by Daianu to have the initial sub-index comprises a first part relating to at least one economy and business markets, a second part relating to behavior aspects, and a third part relating to an external view of countries and regions.

For the purpose of using economic and business factors within a information system.

Kavanagh teaches a set of international aspects is incorporated into the first part, the second part and the third part of the initial sub index. (**Kavanagh**, abstract; Kavanagh illustrates the use of an object oriented database. Using such a tool enables the designer to make objects of 'business markets', 'external view of countries' and 'behavior aspects'.)

Claim 79.

Kavanagh does not teach fine tuning the selection of the at least one tracked theme or topic based on the feedback.

Karau teaches fine tuning the selection of the at least one tracked theme or topic based on the feedback. (**Karau**, C38:20-35) It would have been obvious to a person

having ordinary skill in the art at the time of applicant's invention to modify the teachings of Kavanagh by Using the feedback from both users an experts to alter the relevance factor as taught by Karau to fine tuning the selection of the at least one tracked theme or topic based on the feedback.

For the purpose of using feedback as a tool to keep relevance factors up to date according to experts and users.

Claim Rejections - 35 USC § 103

7. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kanavagh, and Karau, as set forth above, and further in view of Zee (U. S. Patent Publication 20020178015).

Claim 53.

Kanavagh, and Karau do not teach an interface to a set of linked information system data stores comprising a plurality of information and data, including: a set of links between selected portions of information present in the set of media content, wherein the set of media content is available over the computer network in an electronic format; a markup of linked information pointing out relevance of one portion of information to another linked portion of information; and a set of expert commentary providing insight on business and economic topics of interest and groups of related media content, wherein the data store of links and the markup of linked information are continuously adapted to accommodate newly available media content relevant to the field of business and economics, and to

accommodate new meanings of previously linked information as the new meanings develop over time.

Zee teaches an interface to a set of linked information system data stores comprising a plurality of information and data, including: a set of links between selected portions of information present in the set of media content, wherein the set of media content is available over the computer network in an electronic format (**Zee**, abstract); a markup of linked information pointing out relevance of one portion of information to another linked portion of information (**Zee**, ¶0012); and a set of expert commentary providing insight on business and economic topics of interest and groups of related media content, wherein the data store of links and the markup of linked information are continuously adapted to accommodate newly available media content relevant to the field of business and economics, and to accommodate new meanings of previously linked information as the new meanings develop over time. (**Zee**, ¶0088)

It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify combined teachings of Kanavagh, and Karau by using a network system and comments with visual aids from experts as taught by Zee to have an interface to a set of linked information system data stores comprising a plurality of information and data, including: a set of links between selected portions of information present in the set of media content, wherein the set of media content is available over the computer network in an electronic format; a markup of linked information pointing out relevance of one portion of information to another linked portion of information; and a set of expert commentary providing insight on business and economic topics of interest and groups

of related media content, wherein the data store of links and the markup of linked information are continuously adapted to accommodate newly available media content relevant to the field of business and economics, and to accommodate new meanings of previously linked information as the new meanings develop over time.

For the purpose of having a flexible system with visual aids for ease of use with expert comments to help use their insight.

Claim Rejections - 35 USC § 103

8. Claims 54, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kavanagh, and Park. (U. S. Patent 5838963, referred to as **Kavanagh**; U. S. Patent Publication 20020082930, referred to as **Park**)

Claim 54.

Kavanagh anticipates a topic selection mechanism configured for enabling selection of a topic from the at least one tracked theme or topic (**Kavanagh**, abstract; 'Topic' of applicant is equivalent to 'attribute list' of Kavanagh.); a media content module configured to obtain a selected set of media content related to the topic (**Kavanagh**, abstract; 'Selected set' of applicant is equivalent to 'class object' of Kavanagh.); a scoring module configured to assign scores to media content items within the selected set of media content (**Kavanagh**, C25:27-37; 'Assigned scores' of applicant is equivalent to 'values' of Kavanagh.); an index generation module configured to generate an index for the topic as a

function of the set of scores (**Kavanagh**, C48:10-15; 'Index' of applicant is equivalent to 'sort' of Kavanagh.); and a set of feedback modules, including: an index feedback module configured to enable users, experts, or both to assign scores to the media content items, wherein an expert meets a predetermined set of criteria demonstrating an expertise on the topic (**Kavanagh**, C12:35-65; The administrator sets the requirements that determines if a user is granted expert rights. This function of the 'feedback module' of applicant is equivalent to 'registry server' of Kavanagh.); and a content feedback module configured to enable the users, experts, or both to fine-tune the topic selection, provide inputs (**Kavanagh**, C27:56-63; 'Fine tune' of applicant is equivalent to 'edit' of Kavanagh.) Kavanagh does not teach comments related to the media content items or set of links, or both.

Park teaches comments related to the media content items or set of links, or both. (**Park**, ¶0062]) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Kavanagh by having the ability to place in comments that relate to the material as taught by Park to have comments related to the media content items or set of links, or both.

For the purpose of gaining insight from experts about a subject or situation.

Claim 56.

Kavanagh teaches a graphic user interface module configured to present graphical user interface mechanisms for enabling the feedback from the users, experts, or both. (**Kavanagh**, abstract)

Claim Rejections - 35 USC § 103

9. Claims 55, 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kavanagh, and Park, as set forth above, and further in view of Daianu ('Can Further Economic Decline Be Stopped in South East Europe?').

Claim 55.

Kavanagh and Park do not teach a) an initial index including a first part relating to selected media content, a second part relating to behavioral aspects, and a third part relating to an external view of countries and regions.

Dananu teaches a) an initial index including a first part relating to selected media content, a second part relating to behavioral aspects, and a third part relating to an external view of countries and regions (**Daianu**, p1:1 through p2:-35; 'Selected media content', behavoiral' and 'external aspects' of applicant is equivalent to 'conflicts, financial and economic crises', 'growing resentment' and 'globalization' of Daianu.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Kavanagh and Park by using global parameters as input to a database as taught by Daianu to have an initial index including a first part relating to selected media content, a second part relating to behavioral aspects, and a third part relating to an external view of countries and regions.

For the purpose of using economic parameters to determine a current economic situation.

Kavanagh and Park teach b) at least one respondent index including feedback from selected respondents relating to the initial, index,; including at least one of: 1) a user sub-index including feedback from the users (**Park**, ¶0062); and 2) an expert sub-index including feedback from the experts (**Kavanagh**, C12:35-65; The administrator sets the requirements that determines if a user is granted expert rights.); and c) an overall index generated from a combination of the initial index and the at least one respondent index. (**Kavanagh**, C63:32-40, C66:58-60 and C67:6-46)

Claim 77.

Kavanagh and Park do not teach developing overall commentary based on the result, wherein the overall commentary relates to the field of the business, economy, and markets.

Daianu teaches developing overall commentary based on the result, wherein the overall commentary relates to the field of the business (**Daianu**, p28:12-24), economy (**Daianu**, p5:13-20), and markets. (**Daianu**, p3:22 through p4:8) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify combined teachings of Kavanagh and Park by having economic factors as taught by Daianu to have developing overall commentary based on the result, wherein the overall commentary relates to the field of the business, economy, and markets.

For the purpose of having economic factors as input for an information system.

Park teaches presenting the overall commentary to the respondents. (**Park**, ¶0062)

Claim Rejections - 35 USC § 103

10. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kavanagh, Park and Daianu, as set forth above, and further in view of Karau (U. S. Patent 6473503).

Claim 57.

Kavanagh, Park and Daianu do not teach the at least one tracked theme or topic includes a plurality of rolling topics, and the topic selection mechanism further comprises a rolling topic module adapted to hibernate and revive themes and topics from the at least one tracked theme or topic over time as a function of a change in relevance of the themes or topics within an updated set of media content embodying a change in current events.

Karau teaches the at least one tracked theme or topic includes a plurality of rolling topics, and the topic selection mechanism further comprises a rolling topic module adapted to hibernate and revive themes and topics from the at least one tracked theme or topic over time as a function of a change in relevance of the themes or topics within an updated set of media content embodying a change in current events. (Karau, C38:20-35; ‘Rolling topic’ of applicant is equivalent to ‘tunable time frame’ of Karau.) It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify combined teachings of Kavanagh, Park and Daianu by using time as a input variable as taught by Karau to have the at least one tracked theme

or topic includes a plurality of rolling topics, and the topic selection mechanism further comprises a rolling topic module adapted to hibernate and revive themes and topics from the at least one tracked theme or topic over time as a function of a change in relevance of the themes or topics within an updated set of media content embodying a change in current events.

For the purpose of using time as a parameter to help determine a relevance value.

Claim Rejections - 35 USC § 103

11. Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kavanagh, in view of Park. (U. S. Patent Publication 20020082930, referred to as **Park**)

Claim 69.

Kavanagh does not teach a feedback module configured to generate a response sheet allowing respondents to provide the feedback.

Park teaches a feedback module configured to generate a response sheet allowing respondents to provide the feedback. (**Park**, ¶0062]) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Kavanagh by having the design feature of a feedback option

installed as taught by Park to have a feedback module configured to generate a response sheet allowing respondents to provide the feedback.

For the purpose of having input from both experts and users in regards to a given situation.

Claim Rejections - 35 USC § 103

12. Claims 80, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavanagh, in view of Zee, referred to as **Zee**. (U. S. Patent Publication 20020178015)

Claim 80.

Kavanagh does not teach reselecting the at least one tracked theme or topic over time in view of changes in a situation relating to the field thereby ensuring that the selected topics are critical at a particular time in determining sentiment relating to the field.

Zee teaches reselecting the at least one tracked theme or topic over time in view of changes in a situation relating to the field thereby ensuring that the selected topics are critical at a particular time in determining sentiment relating to the field. (**Zee**, ¶0088) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Kavanagh by having updates being kept up to date as taught by Zee to reselecting the at least one tracked theme or topic over time in view of changes in a situation relating to the field thereby ensuring that the

selected topics are critical at a particular time in determining sentiment relating to the field.

For the purpose of benefiting from current comments from both experts and users that pertain to a given situation.

Claim 81.

Kavanagh does not teach gathering new information relating to the at least one tracked theme or topic and discarding old information over time.

Zee teaches gathering new information relating to the at least one tracked theme or topic and discarding old information over time. (Zee, ¶0088; 'Discarding old information over time' of applicant is equivalent to 'using one single version' of Zee) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Kavanagh by using a current version of feedback as taught by Zee to gather new information relating to the at least one tracked theme or topic and discarding old information over time.

For the purpose of not using older and out of date feedback information to aid the current user and or expert.

Conclusion

13. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure.

- U. S. Patent Publication 20020173978: Boies
- U. S. Patent Publication 20020169735: Kil
- U. S. Patent Publication 20020154162: Bhatia
- U. S. Patent Publication 20020138582: Chandra
- U. S. Patent Publication 20020087416: Knutson
- U. S. Patent Publication 20020073080: Lipkin
- U. S. Patent Publication 20020073056: Broster
- U. S. Patent Publication 20020095256: Jones

14. Claims 42-82 are rejected.

Correspondence Information

15. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3687. Any response to this office action should be mailed to:

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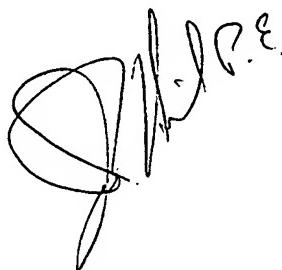
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Peter Coughlan

3/23/2006


P.C.